IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
THURSDAY, THE SEVENTEENTH DAY OF JU\NE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY
And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO: 865 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/03/2004 in W.V.M.P.No.27621 of 2003 in W.P.M.P.No.68151 of 2003 in W.P. NO: 5169 OF 2003 on the file of the High Court.)

Between:
Sri Sahasra Lingeswaraswamy Temple, APIIC Colony, ECIL, Cross Roads, Kushaiguda, R.R. District,
rep. by its Founder Trustee & Chairman N. Janardhan

... APPELLANT

(2nd respondent)

AND

1 Suresh Sharma, S/o O. Narasimha Sarma,
Sri Sahasra Lingeswaraswamy Temple, Kushaiguda, Hyderabad.
2 The Assistant Commissioner, Endowments Department, R.R. District.

...RESPONDENTS

(petitioner and 1st respondent)

For the Appellant: MR.RAVI KONDAVEETI , Advocate

For the Respondent No.2: GP FOR ENDOWMENTS

For the Respondent No.1: Mr. R.S.R.S. Sarma, Advocate

The Court Made the Following Judgment:

ORDER: (Per GB, J)

This Writ appeal is filed against the order passed by the learned single Judge in W.V.M.P.No.2762 of 2003 in W.P.M.P.No.6815 of 2003 in W.P.No.5169 of 2003.

2. The Writ Petition was filed challenging the oral order of termination alleged to have been passed by the management temple. While admitting the Writ Petition, interim directions were granted by the Court to continue the petitioner as Archaka. But, however on an application filed by the temple to vacate the interim direction, the learned single Judge had made the interim direction absolute by an order dated 07-11-2003 against which, the present Writ Appeal has been filed.

2. Learned counsel for the temple submits that the petitioner was never appointed in 1996 and the said appointment order was a fake appointment order. Since the appointment order was a fake appointment order, he does not deserve to be continued as Archaka. He further submits that he was engaged on and off when his services were required, and refusing his appointment is only in the interest of the temple itself.

3. Learned counsel for the Archaka submits that the petitioner was duly appointed in the year 1996 by the then Chairman of the Committee and that he is continuing as on today and he is No.2 in the order of seniority of Archakas, and therefore his appointment is quite legal, valid and unassailable.

4. We have heard the learned counsel for the parties.

5. The main issue that arises for consideration is whether the termination is valid and the same is yet to be decided by the learned single Judge in the Writ Petition. Inasmuch as the

petitioner is continued by virtue of the order of the Court, we do not find any flaw in the order of the learned single Judge making the stay absolute. However, we find it desirable that the Writ Petition itself has to be disposed of expeditiously so as to put quietus to the litigation between the Archaka and the temple.

6. Accordingly, the Writ Appeal is dismissed. However, we direct that the main Writ Petition shall be expedited.

DEPUTY REGISTRAR

June 17, 2004
MRR

// TRUE COPY //

SECTION OFFICER

Copy to:

1.The Assistant Commissioner, Endowments Department, R.R. District.
2.The G.P. for Endowments, High Court Buildings, Hyderabad (OUT).
3.Two C.D. Copies.